

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BUSINESS EXPOSURE REDUCTION
GROUP (BERG) ASSOCIATES, LLC,

Plaintiff,

-v-

PERSHING SQUARE CAPITAL
MANAGEMENT, L.P.,

Defendant.

20 Civ. 10053 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On December 1, 2020, this case was transferred to this Court from the District of Massachusetts. Before that transfer, the parties had fully briefed defendant's motion to dismiss the complaint, which the Massachusetts court denied as moot upon transferring the case to this District. Dkt. 29. At the initial conference held today, defendant expressed its intention to renew its motion to dismiss, making arguments tracking those it had made in its earlier motion. In response, plaintiff stated that it intended to amend its complaint. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Additionally, under Rule 15(a)(2), a plaintiff may amend the complaint with written leave of Court.


Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint, for which the Court hereby grants leave, by December 31, 2020. No further opportunities to amend will ordinarily be granted. By January 15, 2021, defendant shall: (1) file an answer; or (2) file a new motion to dismiss. If defendant moves to dismiss, plaintiff's opposition will be due by

February 12, 2021. Defendant's reply, if any, will be due by February 26, 2021. The Court has confirmed with counsel that this schedule is convenient for all.

At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

The Court will determine later, after receipt of plaintiff's anticipated brief opposing a motion to dismiss the current or amended complaint, whether to schedule oral argument.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 18, 2020
New York, New York